

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1859 of 2021
and W.M.P.No.2096 of 2021

B.Bhanu Prakash ... Petitioner

-vs-

1.United Commercial Bank (UCO Bank),
MID Corporate Branch, Rep. by its
Authorised Officer, New No.6, Old No.21,
Ground Floor, South Dhandapani Street,
T.Nagar, Chennai 600 017.

2.M/s.Eco Chem Laboratories Private Limited,
Rep. by its Director, Mr.N.Ganesh.

3.N.Ganesh
4.G.Sowmya
5.V.Sundaesan
6.Rajalakshmi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records connected with the e-auction sale notice dated 15.12.2020 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to release the petitioner's property from the 1st respondent's bank and take action against the 2nd to 6th respondents.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.Chandramohan for R-1

ORDER

(Order of the Court was made by The Hon'ble Chief Justice.)

The matter pertains to a loan obtained by a set of private persons from a nationalised bank and the attempt by some of such persons to avoid the procedure recognised by law and chart out a new course of action by appealing to the sympathy of this Court.

2.The writ petitioner has no legal right. No mandamus can be issued commanding the respondent bank to enter into a settlement or offer such terms as may be appealing to either the writ petitioner or to the Court. In any event, the bank has to be left free to pursue its remedies, whether under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, or under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Writ Court has no role to play.

3.Since the writ petition is utterly unmeritorious and not in pursuit of any legal right of the petitioner, W.P.No.1859 of 2021 is dismissed. The writ petitioner is spared the costs. Consequently, W.M.P.No.2096 of 2021 is also dismissed.

The bank will be entitled to take appropriate steps in accordance with law and the writ petitioner will be similarly free to avail of whatever remedies may be available to him.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

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+1 cc to Mr.R.Selvakumar , Advocate Sr.No. 5588

W.P.No.1859 of 2021

RSI (CO)

RMP(16/02/2021)